

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FRED DOZIER,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 2:08cv762-WHA
)	(WO)
JUDGE PRICE, et al.,)	
)	
Defendants.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #10), entered on September 30, 2008, and Plaintiff's objection (Doc. #11), filed on October 8, 2008.

After an independent evaluation and *de novo* review of the file in this case, the court finds the Plaintiff's objection to be without merit, and it is hereby overruled. The court adopts the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. Plaintiff's claims against Charles Price, D. T. Marshall, Ellen Brooks, Charles Law, and Michael Kidd are DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i), (ii), and (iii).

2. The plaintiff's challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Montgomery County, Alabama for a controlled substance offense is DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time.

3. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii).

DONE this 31st day of October, 2008.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE